

HOUSE BILL No. 1613

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-4.

Synopsis: Police and fire departments. Entitles a member of a police or fire department residing in a county adjacent to the county in which the department is located to the same equipment, career opportunities, and benefits afforded members residing in the county where the department is located. Allows a member of a police or fire department to use a vehicle owned or maintained by the department in a county contiguous to a county in which the department is located.

Effective: July 1, 2003.

Whetstone, Lawson L, Bottorff

January 16, 2003, read first time and referred to Committee on Local Government.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1613

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-8-4-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 1. This chapter applies to all cities.
3 **This chapter also applies to all towns and townships as specifically**
4 **provided.**
5 SECTION 2. IC 36-8-4-2 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) **This section applies to all**
7 **cities, towns, and townships.** Except as provided in subsections ~~(c)~~
8 ~~and~~ (d) ~~and~~ (e), members of the police and fire departments must
9 reside in Indiana in one (1) of the following areas:
10 (1) Within the county in which the city, town, or township is
11 located; or
12 (2) In a county that is contiguous to the county in which the city,
13 town, or township is located.
14 (b) In a consolidated city, a member who was residing outside the
15 county on January 1, 1975, is exempt from subsection (a).
16 (c) **A member of a police or fire department who resides:**
17 **(1) outside the county in which the city, town, or township in**



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1 which the department is located; and
 2 **(2) in compliance with subsection (a) or (b);**
 3 **must be provided all equipment, career opportunities, and benefits**
 4 **afforded to a member residing in the county in which the**
 5 **department is located. A department may not enforce policies that**
 6 **discriminate against a member who complies with subsection (a)**
 7 **or (b) solely because of the member's residency.**

8 **(d)** A municipality with a population of less than seven thousand
 9 five hundred (7,500) may adopt an ordinance that requires a member
 10 of the municipality's police or fire department to comply with the
 11 following:

- 12 (1) Reside within the county in which the municipality is located.
- 13 (2) Have adequate means of transportation into the municipality.
- 14 (3) Maintain in the member's residence telephone service with the
- 15 municipality.

16 ~~(d)~~ **(e)** This subsection applies to a municipality that:

- 17 (1) has a population of less than seven thousand five hundred
- 18 (7,500); and
- 19 (2) adopted an ordinance to establish the requirements described
- 20 in this subsection before September 1, 1984.

21 A municipality may require, in addition to the requirements of
 22 subsection ~~(e)~~ **(d)**, that a member of the police or fire department reside
 23 within the municipality until the member has served in the department
 24 for five (5) years.

25 ~~(e)~~ **(f)** An ordinance adopted under subsection ~~(e)~~ **(d)** or described
 26 in subsection ~~(d)~~ **(2)** ~~(e)~~ **(2)** may not require a member of a
 27 municipality's police or fire department to reside within the county in
 28 which the municipality is located if the member resides outside the
 29 county on the date the ordinance is adopted.

30 SECTION 3. IC 36-8-4-3 IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2003]: Sec. 3. Members of the police and fire
 32 departments may not use vehicles owned or maintained by their
 33 department outside **either:**

- 34 **(1) the county in which the city department is located; or**
- 35 **(2) a county contiguous to the county in which the department**
- 36 **is located;**

37 except during the performance of official duties or as provided for by
 38 department regulation.

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